PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXA	MINING AUTHORITY						
TO: KELLY A. GARDNER SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAP PWKY, (ATL 4.3.517)		PCT written opinion					
				LAWRENCEVILLE, GA 30044		(PCT Rule 66)	
			,				
	1	Date of Mailing					
		(day/month/year)	25 JULZU01				
Applicant's or agent's file reference F-5704-PC		REPLY DUE within TWO months from the above date of mailing					
International application No.	International filing date	(day/month/year)	Priority date (day/month/year)				
PCT/US00/15952	09 JUNE 2000		11 JUNE 1999				
International Patent Classification (IPC) Please See Supplemental Sheet.	or both national classifi	cation and IPC					
Applicant SCIENTIFIC-ATLANTA							
This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.							
2. This opinion contains indications re	lating to the following i	iems:					
I X Basis of the opinion							
II Priority							
III Non-establishment of opinion with regard to novelty, inventive step or industrial applicability							
IV Lack of unity of invention							
V X Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
VI Certain documents cited							
VII Certain defects in the	international applicatio	n					
VIII Certain observations on the international application							
3. The applicant is hereby invited to reply to this opinion.							
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to great an extension, see Rule 66.2(4).							
How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.							
Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.							
If no reply is filed, the internation	nal preliminary examina	tion report will be es	tablished on the basis of this opinion.				
The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11 OCTOBER 2001							
L		1					
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks		Authorized officer	الما				
Box PCT Washington, D.C. 20231		VIVEK SRIVAS	BECEIVE				

Telephone No. (703) 305-4038

Form PCT/IPEA/408 (cover sheet) (July 1998)*

Facsimile No. (703) 305-3230

AUG 0 1 2001

SCIENTIFIC-ATLANTA, INC.
LEGAL DEPARTMENT

WRITTEN OPINION

International application No.

PCT/US00/15952

With	regard to the elements of the intern	mational application:*	
х	the international application a	as originally filed	
=	the description:	•	
х	pages1-27		, as originally filed
	pages NONE		, filed with the demand
	pages NONE	, filed with the letter of	
_			
х	the claims:		
	pages 28-31 pages NONE	116 4	, as originally filed
	F-8	, as amended (together	, filed with the demand
	F-0	, filed with the letter of	
	Pages		
χĪ	the drawings:		
_	pages 1-4		, as originally filed
	pages NONE		, filed with the demand
	pages NONE	, filed with the letter of	
_			
X	the sequence listing part of the	e description:	
	pages NONE		, as originally filed
	pages NONE		, filed with the demand
	pages NONE	, filed with the letter of _	
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WRITTEN OPINION

International application No.

YES

NO

PCT/US00/15952

v .	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement					
1.	statement					
	Novelty (N)	Claims	(Please See supplemental sheet)	YES		
		Claims	(Please See supplemental sheet)	NO		
	Inventive Step (IS)	Claims	(Please See supplemental sheet)	YES		
		Claims	(Please See supplemental sheet)	NO		

2. citations and explanations

Industrial Applicability (IA)

Claims 1-4, 7, 9, 10, 13-15, 17 and 19-23 lack novelty under PCT Article 33(2) as being anticipated by Brown.
Considering claims 1, 7, 14 and 19, Brown discloses the claimed digital home communication terminal and the claimed
manager and system for allocating bandwidth in a digital broadband system (col 3 line 22 - col 5 line 50, col 7 line 13 - col 8
line 20, fig 3A, fig 4).

Claims (Please See supplemental sheet)

Claims (Please See supplemental sheet)

Considering claims 2, 9, and 21, Brown discloses the claimed video-on-demand (col 3 line 52 - col 4 line 15).

Considering claims 3, 13 and 22, Brown discloses the claimed content delivery mode (see NVOD in col 7 lines 13 -

Considering claims 4, 10, 17 and 23, Brown discloses the claimed video-on-demand request (col 3 line 52 - col 4 line

15).

Considering claim 15, Brown discloses the claimed tuner (col 3 line 52 - col 4 line 15).

Considering claim 20, Brown discloses the claimed bandwidth allocation schedule (col 3 line 52 - col 4 line 15, col 7 line 13 - col 8 line 30).

Claims 5, 6, 8, 11, 12, 16, 18 and 24-26 lack an inventive step under PCT Article 33(3) as being obvious over Brown. It would have been obvious to modify Brown to include the claimed features.

Regarding claims 5, 11, 18 and 24, Brown fails to disclose the claimed allocation criteria received from the subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities. It would have been obvious to modify Brown to include the claimed two priorities to provide monitoring of which programs a user finds interesting to provide customized programming to a user.

Regarding claims 6, 12, 25 and 26 frown fails to disclose a bandwidth allocation manager processing a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation nechales. It would have been obvious to include a bandwidth allocation manager for processing a plurality of allocation criteria secording to a statistical model and to determine a bandwidth allocation schedule to allocate bandwidth in accordance with peak and non-peak times to maximize the (Continued on Supplemental Sheet.)

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any reaponse received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below: IPC(7): HOAN 7/173, 5/445; GO6F 3/00, 13/00 and US Cl.: 725/86, 87, 93, 95, 96, 97, 44, 45, 46, 47; 375/240, 2 40.01, 370/235, 229, 230

V. 1. REASONED STATEMENTS:

The opinion as to Novelty was positive (YES) with respect to claims 5, 6, 8, 11, 12, 16, 18, 24-26.

The opinion as to Novelty was negative (NO) with respect to claims 1-4, 7, 9, 10, 13-15, 17, 19-23.

The opinion as to Inventive Step was positive (YES) with respect to claims NONE.

The opinion as to Inventive Step was negative (NO) with respect to claims 1-26.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-26.

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued): efficiency of allocating bandwidth according to the traffic and congestion on the network.

Regarding claim 8, Brown fails to disclose the claimed VOD application server in communication with the bandwidth allocation manager, wherein the VOD application server transmits a list of available content delivery modes to the bandwidth allocation manager.

Brown discloses determining a VOD or NVOD mode of transmission depending on the available bandwidth. It would have been obvious to include the claimed VOD server in communication with the bandwith allocation manager to provide the available modes of servicing a subscribers request based on the bandwith available to efficiently allocate bandwith to prevent transmitting data above the threshold capacity of the network.

Regarding claim 16, Brown fails to disclose the claimed channel allocation information comprises VOD catalogue data. It would have been obvious to provide channel allocation information to provide a user with an organized list of available programming from a which a user can select.

NEW CITATIONS	
US 5,771,435 A (BROWN) 23 June 1998, see col. 2, lines 47-67, col. 3, lines 22-67, col. 4, lines 1-67, col.	5, lines 1-36
col. 7, lines 1-67, col. 8, lines 13-67	

US 5,682,597 A (GANEK et al) 28 October 1997, Abstract